

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 5, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Rebecca Howard, Greg Genrich, Nicole Upano, Bart Herriman, Jeff McKean, Mark Webb, Debbie Rolfsen and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 21, 2010 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the October 5, 2010 meeting, except for permit #RR46-088153. Commissioner Guthrie seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Three hundred sixty-eight (368) renewals approved, thirty-seven (37) new and/or transfer permits approved, ten (10) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-27181 BELLA TOWER GRILLE, LLC – Commissioner Guthrie noted this is a new type 112 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR29-27153 RB & MAS LP, D/B/A DOUBLE APPLE LOUNGE – Commissioner Guthrie noted this is a new type 209 with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the applicant has an attorney who feels if this is remanded, the issues can be worked out with the local board.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR84-03099 JERRY'S HIDEAWAY BAR & GRILLE, INC. – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to one (1) to approve for one (1) year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the permit for one (1) year. Commissioner Sturtz seconded. The motion was unanimously approved.

RR49-26973 LUPITAS MEXICAN RESTAURANT CORP. – Commissioner Guthrie noted the local board sent this to the Commission because the applicant failed to appear at three consecutive meetings. The Commission also noted there is a tax protest filed against this applicant.

Commissioner Guthrie moved to deny the new permit. Vice Chairman Johnson seconded. The motion was approved unanimously.

RR02-00663 JSZ INVESTMENTS, LLC, D/B/A TOADS TAVERN – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Commissioner Sturtz seconded. The motion was unanimously approved.

ER64-23615 PAPARAZZI, LLC - Commissioner Guthrie stated this permit is currently classified as an Economic Development permit in Valparaiso. One of the stockholders contacted the Commission and notified them that this permit is actually an Historic District permit. After investigating this, Commissioner Guthrie stated this should be an Historic District permit.

Commissioner Guthrie moved to approve this reclassification. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make thirty-nine (39) permits inactive. Thirty-three (33) permits are not subject to auction and six (6) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

NON-ALCOHOLIC COMMODITIES – Commissioner Guthrie stated the comment period has ended regarding the Proposed Findings of Fact and Conclusions of Law in this matter. The only changes that were made to the Findings that were submitted at the last meeting were the changing of a name and adding a word in the heading. The Commissioner said the body of the Findings did not change.

Commissioner Guthrie moved to adopt the Findings of Fact and Conclusions of Law. Commissioner Sturtz seconded. The motion was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER